

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, AUGUST 2, 2004 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

- ITEM-1: ROLL CALL.
- ITEM-10: INVOCATION.
- ITEM-20: PLEDGE OF ALLEGIANCE.

=== LEGISLATIVE SCHEDULE ===

Special Orders of Business

- ITEM-30: Approval of Council Minutes.
- ITEM-31: Lionel Van Deerlin Day.
DEPUTY MAYOR ATKINS’ RECOMMENDATION: Adopt the
resolution.
- ITEM-32: Jimmy Scales Day.
COUNCILMEMBER LEWIS’ RECOMMENDATION: Adopt the
resolution.
- ITEM-33: Women’s Equality Day.
COUNCILMEMBER FRYE’S RECOMMENDATION: Adopt the
resolution.

NON-AGENDA PUBLIC COMMENT

Non-agenda public comment is taken on Tuesday pursuant to the San Diego Municipal Code Section 22.0101.

CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT

In accordance with the San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meeting, adopted on March 29, 2004, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the **Special Closed Session Agenda for Monday, August 2, 2004, scheduled to commence immediately following the conclusion of the regular open session meeting that day. Special Closed Session may continue into Tuesday, August 3, 2004.**

The Special Closed Session Agenda is separately available in the Office of the City Clerk and also posted at the same locations as the Open Session Agenda, including the City

NOTE: Members of the public wishing to address the City Council on any item on the Special Closed Session Agenda or the regular Closed Session Agenda should reference the closed session item number from the Closed Session Docket on the speaker slip. Speakers may speak “in favor” or “in opposition” to the subject internet address..

Information Item - No Action Required - The City Council shall:

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in closed session 4) Refer matters discussed to closed session.

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Consent Items

- ITEM-100: South Pacific Beach Lifeguard Tower and Major Components Transfer of Funds for Repairs to Fire Station No. 5, Hillcrest.
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-101: Charitable Donations to Fire-Rescue Department.
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-102: Administration, Management, and Operation of a Second Regional Fire and Rescue Helicopter.
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-103: Five-Year Parking Management Agreement with Ace Parking Management, Inc., for the Sixth & K Parkade Facility in the East Village. East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project. (Dist. 2)
CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION: Adopt the resolution.
- ITEM-104: First Amendment to Easement Deed No. RR-283621 - United States of America. University Community Area. (Dist. 5.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-105: Wave House Belmont Park Encumbrance of the Leasehold. Mission Beach Community Area. (Dist. 2)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-106: Skyline Fire Station No. 32 Land Acquisition. Skyline Community Area. (Dist. 4)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-107: Accepting a Parcel of Land within the San Vicente Reservoir Watershed.
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-108: Two actions related to Building Restricted Easement Vacations over all of Lot 246 of Black Mountain Ranch Unit No. 1 Map No. 14064 and a Portion of Parcel 2 of Map No. 19209. Black Mountain Ranch Community Area. (Dist. 1)
CITY MANAGER'S RECOMMENDATION: Adopt the resolutions.
- ITEM-109: Establishing a Two-Hour Unmetered Parking Zone on 25th Street. Greater Golden Hill Community Area. (Dist. 8)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-110: Establishing a Two-Hour Unmetered Parking Zone on Convoy Street. Kearny Mesa Community Area. (Dist. 6)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-111: Establishing a Two-Hour Unmetered Time Limit Parking Zone on Home Avenue. City Heights Community Area. (Dist. 4)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-112: Appointment and Reappointments to the Small Business Advisory Board.
MAYOR MURPHY'S RECOMMENDATION: Adopt the resolution.

Adoption Agenda, Discussion, Committee Items

- ITEM-150: Consideration and Possible Action to Introduce and Adopt an Ordinance Repealing the City's Election Campaign Control Ordinance and Replacing it with New Provisions based on Recommendations Made by the Ethics Commission and Modifications Approved by the Rules Committee.
RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION: On July 21, 2004, RULES voted 3-0, to make the changes that are described more fully in the report from the Ethics Commission dated July 28, 2004. (Councilmembers Peters, Maienschein, and the Mayor voted yea. Councilmembers Atkins and Madaffer not present.)

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Discussion, Other Legislative Items

ITEM-200: Consideration and Possible Action to Adopt a Resolution Directing the City Attorney to Prepare an Impartial Analysis and Directing the City Manager to Prepare a Fiscal Analysis, Relating to the Ballot Measure Authorizing the Ethics Commission to Retain Independent Counsel.
TODAY'S ACTIONS ARE: Adopt the resolutions.

Public Notices

ITEM-250: Submission of Ballot Proposals.

ITEM-251: Arguments Supporting or Opposing Propositions.

ITEM-252: Notice of Pending Final Map Approval – 4086 Alabama Street Condominiums.

ITEM-253: Notice of Pending Final Map Approval – 4357 Oregon Street.

ITEM-254: Notice of Completion and Acceptance of Subdivision Improvement Agreement - Citymark El Cortez.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

=== EXPANDED CITY COUNCIL AGENDA ===

SPECIAL ORDERS OF BUSINESS

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS:

Approval of Council Minutes for the meetings of:

07/05/2004

07/06/2004

07/12/2004

07/13/2004

ITEM-31: Lionel Van Deerlin Day.

DEPUTY MAYOR ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2005-33)

Commending Lionel Van Deerlin for his decades of community service to the San Diego region as an elected official and journalist, and congratulating him on his recently celebrated 90th birthday.

Proclaiming August 2, 2004 to be "Lionel Van Deerlin Day" in the City of San Diego.

SPECIAL ORDERS OF BUSINESS (Continued)

ITEM-32: Jimmy Scales Day.

COUNCILMEMBER LEWIS' RECOMMENDATION:

Adopt the following resolution:

(R-2005-40)

Commending Jimmy Scales for his service and dedication to the City of San Diego.

Proclaiming August 2, 2004 to be "Jimmy Scales Day" in the City of San Diego.

ITEM-33: Women's Equality Day.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-124)

Recognizing the outstanding contributions that generations of American women have added their vision and voices to the national discourse;

Proclaiming August 2, 2004 to be "Women's Equality Day" in the City of San Diego.

NON-AGENDA PUBLIC COMMENT

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REQUEST FOR CONTINUANCE

The Council will now consider requests to continue specific items.

CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*).

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, and 112.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: South Pacific Beach Lifeguard Tower and Major Components Transfer of Funds for Repairs to Fire Station No. 5, Hillcrest.

(See City Manager Report CMR-04-063.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-80)

Authorizing the City Auditor and Comptroller to transfer \$130,000, from Fund 92110, Fire and Life Safety Construction Fund, CIP-33-098.0, Major Components to CIP-29-473.0, South Pacific Beach Lifeguard Tower;

Authorizing the City Auditor and Comptroller to return \$130,000 from Fund 102232, TOT Coastal Infrastructure Fund, to Fund 10220, TOT;

Authorizing the City Auditor and Comptroller to reallocate \$130,000, from Fund 10220, TOT to Fund 30245, Capital Outlay Sales Tax to be used to fund repairs at Fire Station No. 5, Hillcrest;

Authorizing the City Auditor and Comptroller to appropriate \$130,000 of Capital Outlay Sales Tax, Fund 30245, into CIP 33-098.0, Major Components, for the purpose of funding repairs to Fire Station No. 5, Hillcrest;

Declaring that the City Manager is to authorize the \$130,000 global reduction to the Fire and Life Safety CIP projects in the Major Components Project, in order to fund the repairs to Fire Station No. 5, Hillcrest.

CITY MANAGER SUPPORTING INFORMATION:

The Major Components Project includes various capital improvements at numerous existing fire stations throughout the City and is bond funded. In accordance with the Manager's Report No. 04-063, dated March 24, 2004, \$130,000 is included in the Major Components Project to fund some badly needed repairs at Fire Station 5 (Hillcrest). These repairs will be temporary until sufficient funds are available from bond funds to demolish and rebuild Fire Station 5. Temporary improvements are not capital in nature and do not qualify for bond funds.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-100: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

In order to complete these improvements, a transfer of \$130,000 from TOT funds is required from the South Pacific Beach Lifeguard Tower, which is funded by both bond funds and TOT funds (Fund 102232, TOT Fund). These TOT funds will be reimbursed to the South Pacific Beach Lifeguard Tower project from the Major Components bond funds as part of this action. This action will not impact or defer any projects in the overall Fire and Lifeguard Facility Improvements Project (Project), other than those previously approved by Council to be deferred as part of the Manager's Report No. 04-063. However, since the overall Project must be capitalized and temporary improvements cannot be capitalized, a non-CIP accounting sublet must be created from the Major Components Project which will reduce the overall Project by \$130,000, from \$62,595,558 to \$62,465,558.

FISCAL IMPACT:

There is no Fiscal Impact. This action will only swap funds between projects from different funding sources. No additional expenditure authorization is required as part of this action.

Mendes/Belock/AO

Aud. Cert. 2500026.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-101: Charitable Donations to Fire-Rescue Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-116)

Authorizing the City Manager to accept a donation of 7,400 shares of publicly-traded stock from Jack and Judith White on the condition that the proceeds from the donation be used to purchase 12-lead electrocardiogram monitoring units;

Authorizing the City Auditor and Comptroller to sell the donated stock and transfer the proceeds of the sale, including interest/dividend accruals if any, from the City of San Diego's Donations Fund No. 673-90534-18-603 to the City of San Diego's Fire Equipment Donations Fund No. 10365;

Authorizing the City Auditor and Comptroller to appropriate and expend the monies in Fund 10365, Revenue Account 78901 for the purpose of purchasing 12-lead electrocardiogram monitoring units and appropriate training for the use of such units, contingent upon the City Auditor and Comptroller's issuance of an Auditor's Certificate for \$536,290.40 upon receipt of donated funds;

Authorizing the City Manager to accept a donation of \$32,812.32 from the New Car Dealers Association on the condition that the money be used to purchase a new vehicle for the San Diego Fire-Rescue Department's Emergency Response Team (CERT);

Authorizing the City Auditor and Comptroller to appropriate and expend the monies in Fund 10365, Revenue Account 78901 for the purpose of purchasing a new vehicle for the San Diego Fire-Rescue Department CERT program;

Authorizing the City Manager to accept a donation of \$279,431.52 from the San Diego Chargers on the condition that the money be used to purchase wildland web gear for the San Diego Fire-Rescue Department;

Declaring the City of San Diego and the San Diego Fire-Rescue Department, expresses sincere gratitude for the very generous donations made by Jack and Judith White, the New Car Dealers Association, and the San Diego Chargers.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-101: (Continued)

CITY MANAGER SUPPORTING INFORMATION:

Over the past few months, the Fire-Rescue Department has received a number of charitable donations to be used for the purchase of new equipment, vehicles and supplies to support fire and emergency services. The following donations have been received:

1. **Judith and Jack White** - Mr. & Mrs. White charitably donated 7,400 shares of publicly traded stock to the City in order to enable the Fire-Rescue Department to acquire advanced life saving equipment. Mr. and Mrs. White made the donation on the condition that the Department purchase 12-lead electrocardiogram monitoring units which are state-of-the-art technology. These units will provide Fire-Rescue paramedics with the same EKG assessment tool that is used by hospital staff, as well as vital information about appropriate hospital destination. The donation will allow for the purchase of 120 EKGs.

At the request of the donor, the 7,400 share of publicly traded stock were transferred to the City of San Diego's Donations Fund maintained at Solomon Smith Barney, Inc. located at 4350 La Jolla Village Drive, San Diego. The preference from the donors was to sell the stock immediately upon receipt. As a result of the immediate sale, the City realized a net gain of \$25,000 based upon a three-year high for the stock.

2. **New Car Dealers Association** - The Association donated \$32,812.32 to the City to fund the acquisition of a new vehicle to be used by the Fire-Rescue Department's Community Emergency Response Team (CERT). The aim of the CERT program is to assist local communities to prepare for effective response to significant emergency incidents. The donated vehicle will be used to transport staff and equipment to and from training sites. The Association selected Bob Baker Chevrolet as the dealership to provide the new vehicle. Therefore, the donation was contingent upon the Fire-Rescue Department acquiring the vehicle from Bob Baker Chevrolet. The vehicle will be maintained by the Fire-Rescue Repair Facility.

3. **San Diego Chargers** - On March 15, 2004, the Chargers donated \$279,431.52 to the Fire-Rescue Department for the purchase of wildland web gear. Fire-Rescue was selected as the recipient of this donation through the Charger's San Diego Fire Relief Fund (Relief Fund) at the San Diego Foundation. The San Diego Foundation paid the vendors of the wildland gear directly from the Relief Fund. The donation allowed for the purchase of 497 fire tent shelters, which cost \$154,939.75, from L.N. Curtis & Sons; and 35 Viper Web Systems with Backpack, 923 Viper Web Systems without Backpack, and 275 Radio Packs provided KMP Fire Products, which cost \$124,491.77.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-101: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

Wildland web gear is all risk equipment which allows firefighters to operate effectively while responding to a wide range of emergency situations. This web system can be worn by the fire personnel during vegetation fires, urban search and rescue (structural collapse), and other long-term emergencies operations.

FISCAL IMPACT:

The combined total of the three donations to the Fire-Rescue Department is \$848,534.28. The cost of purchasing the 12-lead EKGs is \$500,391, based on the quote from the manufacturer. The remaining \$35,899.44 will be used for training and administration, resulting in no additional fiscal impact to the City. The cost of purchasing the CERT vehicle from Bob Baker Chevrolet is \$32,812.32. Fire-Rescue will absorb the cost of maintaining this vehicle in their existing maintenance budget. The cost of purchasing the wildland web gear is \$279,431.52. There is no additional fiscal impact to the City by accepting this donation.

Herring/Jarman/MB

Aud. Cert. 2500053.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-102: Administration, Management, and Operation of a Second Regional Fire and Rescue Helicopter.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-82)

Authorizing the City Manager to negotiate and execute a Memorandum of Understanding (MOU) with the County of San Diego for the administration, management, and operation of a County-funded contract helicopter (MOU), along the lines of the draft MOU, with monthly reimbursement from the County to the City for the full costs associated therewith, anticipated to be approximately \$268,000 per month, up to a maximum amount of \$1,609,812;

Authorizing the City Manager to accept funds from the County of San Diego, to be deposited in Fund No. 10264, and to expend funds not to exceed \$1,609,812 from Fund No. 10264, solely and exclusively for the administration, management, and operation of a County-funded contract helicopter to be procured under the current City contract with Kachina Aviation.

CITY MANAGER SUPPORTING INFORMATION:

On May 11, 2004, the Mayor and City Council approved renewing the contract with Kachina-Helijet Aviation for a multi-mission helicopter with support. The contract is for a minimum of 180 days, beginning on June 25, 2004, with an extension of service beyond the 180 days if necessary.

On February 10, 2004, the County Board of Supervisors allocated \$3.5 million for the purchase of a fire and rescue helicopter and an additional \$2.1 million for the operation of this helicopter. The procurement, refurbishment, and delivery date of the County procured helicopter is unknown. Due to the unknown delivery date of the County procured helicopter, the County Board of Supervisors on May 18, 2004, directed its Chief Administrative Officer to enter into an agreement with the City of San Diego to contract for a second helicopter through the City's existing contractual arrangement with Kachina-Helijet Aviation. The County Board of Supervisors authorized the expenditure not to exceed \$1,609,812 to fund the second helicopter for 180 days to be managed and operated by San Diego Fire-Rescue Department under the auspices of the San Diego Regional Fire and Rescue Helicopter Program.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-102: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

If approved, the City of San Diego will accept and expend the funds from the County of San Diego to provide a second fire and rescue helicopter capable of meeting the requirement of City RFP No. 6004-03-Q (Kachina-Helijet). This second helicopter (Copter 2) would be operated under the existing San Diego Regional Fire and Rescue Helicopter Program. The contract period for the San Diego County funded contract helicopter will be for up to 180 days beginning on July 1, 2004.

FISCAL IMPACT:

No fiscal impact to the City. The County of San Diego will make available \$1,609,812 to the City of San Diego for the administration, management, and operation of the County funded contract helicopter. The City of San Diego will invoice the County of San Diego monthly in the approximate amount of \$268,302.

Ewell/Ghio/MM

Aud. Cert. 2500051.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-103-: Five-Year Parking Management Agreement with Ace Parking Management, Inc., for the Sixth & K Parkade Facility in the East Village.

(See Centre City Development Corporation Report CCDC-04-17. East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-117)

Authorizing the City Manager to execute, a Five-Year Parking Management Agreement, with Ace Parking Management, Inc., to provide parking management services for the 6th & K Parkade Facility in the East Village Redevelopment District of the expansion Sub Area of the Centre City Redevelopment Project Area.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-104: First Amendment to Easement Deed No. RR-283621 - United States of America.

(University Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-70)

Authorizing the City Manager to execute the First Amendment to Easement Deed No. RR-283621, under the terms and conditions set forth in that agreement, to allow the City to lease a portion of the Plant for a telecommunication facility under the terms of a proposed lease with Cingular Wireless.

CITY MANAGER SUPPORTING INFORMATION:

On March 28, 1994, the City Council adopted Resolution R-283621, which conveyed to the United States of America ("Government") an easement for a safety and compatible use zone ("Easement") in connection with operation of the Miramar Naval Air Station, now known as Marine Corps Air Station, Miramar. By conveying the Easement, the City agreed that it will not use, develop or construct any improvements on the City-owned property, except for the construction and operation of the North City Water Reclamation Plant ("Plant"). The property consists of portions of Pueblo Lots 1304, 1305, 1306, 1318 and 1319 and is adjacent to Marine Corps Air Station, Miramar. The Plant was constructed by the City in 1997.

The City is currently reviewing a lease proposal from Cingular Wireless ("Cingular") to install and maintain a communication facility at the Plant. For consideration of One Dollar (\$1.00), the Government has agreed to amend the Easement to allow the City to lease a portion of the Plant for a telecommunication facility. Under the terms of the proposed lease, the City would receive a one-time site access fee of \$40,000 and a starting minimum annual rent of \$28,200. The revenue would be deposited into the Metro Sewer Fund. Approval of the amendment to the Easement is needed prior to the commencement of lease negotiations.

FISCAL IMPACT:

None with this action. If the lease with Cingular Wireless is executed it is anticipated that a minimum rent of \$28,200 per year plus a \$40,000 one time site access fee will be deposited into the Metro Sewer Fund 41508.

Ewell/Griffith/VEB

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-105: Wave House Belmont Park Encumbrance of the Leasehold.

(See City Manager Report CMR-04-166. Mission Beach Community Area.
District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-123)

Authorizing the City Manager to approve the encumbrance of the leasehold with Wave House Belmont Park, LLC, on the terms as substantially set forth in the City Manager's Report No. 04-166 and the attachments thereto.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-106: Skyline Fire Station No. 32 Land Acquisition.

(Skyline Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-71)

Authorizing the City Manager to expend an amount not to exceed \$640,350 from CIP-33-089.0, Fire Station No. 32, Skyline (Fund No. 92110), for the acquisition of property rights to approximately .62 acres of land located at 7180 Skyline Drive, legally described as Lot 113 of Skyline Hills Unit No. 1, Map No. 4052, filed in the Office of the County Recorder of San Diego County, January 8, 1959, and for labor, appraisal, relocation, title, escrow, and miscellaneous costs of acquisition.

CITY MANAGER SUPPORTING INFORMATION:

Fire Station No. 32 is a 39-year old station currently located at 484 Briarwood Road, and is inadequate to accommodate the necessary equipment for the district. In order to better serve the community and decrease response times in this area, it has been proposed to rebuild and relocate this station to an area north of the present site.

This action will provide funds for the acquisition of property rights from a willing seller of a .62 acre site at 7180 Skyline Drive. This is the proposed location of the future Fire Station No. 32. The property to be acquired is improved with a former gas station which has not been operating as such for approximately 18 years. The underground tanks have been removed, and testing indicate a low level of soil contamination, which will not require any remediation. A complete environmental analysis for the construction of the new fire station, in compliance with CEQA, is expected to be done within the next two years prior to construction.

The new station will be approximately 6,700 square feet and will accommodate (6) personnel and three (3) apparatus bays, and will provide the necessary room for improved vehicle response coverage to handle fire and medical emergencies. Construction is anticipated in summer of 2006, pending approval of future bond funds. The new fire station is located directly across the street from the police station at 7222 Skyline Drive further providing necessary support to the community.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-106: (Continued)

FISCAL IMPACT:

\$640,350 is budgeted in CIP 33-089.0, Fire Station 32, Skyline, in Fund 92110, for the purpose of land acquisition and related costs for Fire Station No. 32.

Herring/Griffith/LHG

Aud. Cert. 2500042.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-107: Accepting a Parcel of Land within the San Vicente Reservoir Watershed.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-62)

Authorizing the City Manager to accept a 46 acre parcel of land within the San Vicente Reservoir watershed, identified as the southwest quarter of the northeast quarter of Section 20, Township 14 South, Range 1, East San Bernardino Meridian in the County of San Diego, State of California, in fulfillment of the offsite mitigation required by the San Diego County Planning Department of a third party;

Stating for the record that acceptance of the above-described property is not a "project" and is exempt from the California Environmental Quality Act pursuant to State Guidelines, Section 15060(c)(3).

CITY MANAGER SUPPORTING INFORMATION:

There were two minor subdivisions approved in the Ramona area, and both contained biological resources that required offsite mitigation pursuant to the California Environmental Quality Act and/or the County of San Diego Biological Mitigation Ordinance.

The deeding of this 46-acre parcel to the City of San Diego, as part of the Water Districts watershed within the San Vicente Reservoir area, will satisfy the County's offsite requirements for the subdivision projects. This acreage will fall within the overall maintenance of the San Vicente watershed, which will now be increased to 3,394 acres.

FISCAL IMPACT:

None.

Herring/Griffith/BLM

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-108: Two actions related to Building Restricted Easement Vacations over all of Lot 246 of Black Mountain Ranch Unit No. 1 Map No. 14064 and a Portion of Parcel 2 of Map No. 19209.

(Black Mountain Ranch Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-105)

Vacating the building restricted easement located over all of Lot 246 of Black Mountain Ranch Unit No. 1 Map No. 14064, to unencumber his property and facilitate development of the site, under the procedure for the summary vacation of easement, Section 8330 et. seq. of the California Streets and Highways Code.

Subitem-B: (R-2005-106)

Vacating the building restricted easement located over a portion of Parcel 2 of Parcel Map No. 19209, to unencumber his property and facilitate development of the site, under the procedure for the summary vacation of easement, Section 8330 et. seq. of the California Streets and Highways Code.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate building restricted easements over all of Lot 246 of Black Mountain Ranch Unit No. 1 Map No. 14064 as shown on Engineering Drawing No. 20100-B and over a portion of Parcel 2 of Parcel Map No. 19209 as shown on Engineering Drawing No. 20101-B. These properties are located southeasterly of El Camino Real and San Dieguito Road in the Black Mountain Ranch Community Planning Area in Council District 1.

At the request of the developer, these building restricted easements were originally placed over non-building site lots that were to be owned and maintained by the Property Owner's Association. The purpose of the building restricted easements was to avoid possible construction on the lots by the Board of Directors of the POA. The developer, due to market conditions, has redesigned the project, and the building restricted easements are no longer wanted in their present locations. Substantial Conformance Reviews to the Tentative Maps approved removing the building restricted easements and converting the lots to buildable lots.

Staff recommends approval of the vacations.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-108: (Continued)

FISCAL IMPACT:

None.

Loveland/Broughton/GRB

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-109: Establishing a Two-Hour Unmetered Parking Zone on 25th Street.

(Greater Golden Hill Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-65)

Establishing a two-hour unmetered time limit parking zone, effective between the hours of 8:00 a.m. and 6:00 p.m., Monday through Saturday, Sunday and certain holidays excepted on the east side of 25th Street between Broadway and C Street, south side of Home Avenue between I-805 ramp and Fairmount Avenue, San Diego, California, pursuant to authority conferred by and in accordance with the provisions of Section 86.04 of the San Diego Municipal Code;

~~Waiving the provisions of Council Policy 200-04 to establish time limit parking;~~

Authorizing the installation of the necessary signs and markings to be made on said streets; the regulations hereinabove imposed shall become effective upon the installation of such signs.

CITY MANAGER SUPPORTING INFORMATION:

This action will authorize the City Manager to install a two-hour unmetered time limit parking on the east side of 25th Street between Broadway and C Street. The two-hour time limit zone will be effective from 8 a.m. to 6 p.m., Monday through Saturday, with Sundays and certain holidays excepted. This action is in accordance with Municipal Code Section 86.04 and Council Policy 200-04, Installation or Removal of Time Limit Parking Zones and Parking Meter Zones.

25th Street is a commercial street. The businesses expressed concern with the parking for long durations impacting their businesses and requested time limit parking. They submitted a petition signed by 82% of the fronting businesses to initiate a parking study by the City. The parking duration study indicated that time limit parking is recommended.

In addition, the Golden Hill Planning Committee supports this action.

FISCAL IMPACT:

\$800. Funds are available in the Streets Division for this purpose.

Mendes/Boekamp/VW

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-110: Establishing a Two-Hour Unmetered Parking Zone on Convoy Street.

(Kearny Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-66)

Establishing a two-hour unmetered time limit parking zone, effective between the hours of 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted, on the east side of Convoy Street between Engineer Road and Vickers Street, San Diego, California, pursuant to authority conferred by and in accordance with the provisions of Section 86.04 of the San Diego Municipal Code;

Authorizing the installation of the necessary signs and markings to be made on said streets; the regulations hereinabove imposed shall become effective upon the installation of such signs.

CITY MANAGER SUPPORTING INFORMATION:

This action will authorize the City Manager to establish two-hour time limit unmetered parking on the east side of Convoy Street between Engineer Road and Vickers Street. The two-hour time limit zone will be effective from 8:00 a.m. to 6:00 p.m., Monday through Saturday, with Sundays, and certain holidays excepted. This action is in accordance with Municipal Code Section 86.04 and Council Policy 200-04, Installation or Removal of Time Limit Parking Zones and Parking Meter Zones.

Convoy Street is a commercial street. The business owner expressed concern with long term parking on the street and requested time limit parking. They submitted a petition representing 100% of the businesses requesting a parking study by the City. Staff has conducted a parking duration study, which showed a high level of occupancy and a low turnover of parking on this street. Therefore, time limit parking is recommended. In addition, the Kearny Mesa Community Planning Group is in support of this proposal.

FISCAL IMPACT:

\$600. Funds are available in the Streets Division for this purpose.

Mendes/Boekamp/VW

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-111: Establishing a Two-Hour Unmetered Time Limit Parking Zone on Home Avenue.

(City Heights Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-108)

Establishing a two-hour unmetered time limit parking zone, effective between the hours of 8:00 a.m. and 6:00 p.m., Monday through Sunday, on the south side of Home Avenue between I-805 ramp and Fairmount Avenue, San Diego, California, pursuant to authority conferred by and in accordance with the provisions of Section 86.04 of the San Diego Municipal Code;

Waiving the provisions of Council Policy 200-04 to establish time limit parking;

Authorizing the installation of the necessary signs and markings to be made on said streets; the regulations hereinabove imposed shall become effective upon the installation of such signs.

CITY MANAGER SUPPORTING INFORMATION:

This action will authorize the City Manager to install two-hour unmetered time limit parking on the south side of Home Avenue between I-805 ramp and Fairmount Avenue. The two-hour time limit zone will be effective from 8:00 a.m. to 6:00 p.m., Monday through Sunday. This action is in accordance with Municipal Code Section 86.04 and Council Policy 200-04, Installation or Removal of Time Limit Parking Zones and Parking Meter Zone.

Home Avenue is a commercial street. The majority of available parking on the south side of Home Avenue is being occupied by private vehicles for sale leaving few spaces for short term parking. Furthermore, the City Heights Area Planning Committee supports this action.

FISCAL IMPACT:

\$2,000. Funds are available in the Street Division for this purpose.

Mendes/Boekamp/DVW

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-112: Appointment and Reappointments to the Small Business Advisory Board.

(See memorandum from Mayor Murphy dated 7/20/2004, with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-122)

Council confirmation of the following appointment and reappointments by the Mayor of the City of San Diego, to serve as members of the Small Business Advisory Board, for terms expiring as indicated, and in categories as indicated:

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
George P. Chandler, Jr. (Reappointment)	Small Business Administration Director	July 1, 2006
Kurt A. Chilcott (Reappointment)	Member at Large Financial	July 1, 2006
Warren J. Simon (Reappointment)	Business Improvement District Council Designated Representative	July 1, 2006
Richard G. Sims (Reappointment)	Member at Large Small Business Owner	July 1, 2006
Spencer C. Skeen (Reappointment)	Legal	July 1, 2006
Auday Arabo (Replacing Badi Badiozamani, whose term expired)	Small Business Owner	July 1, 2006

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS

COMMITTEE ON RULES, FINANCE, AND INTERGOVERNMENTAL RELATIONS,
ORDINANCES TO BE INTRODUCED:

ITEM-150: Consideration and Possible Action to Introduce and Adopt an Ordinance Repealing the City's Election Campaign Control Ordinance and Replacing it with New Provisions based on Recommendations Made by the Ethics Commission and Modifications Approved by the Rules Committee.

(See report from Ethics Commission dated 7/28/04.)

TODAY'S ACTIONS ARE:

Subitem A: (O-2005-21)

Introduction of an Ordinance repealing Chapter 2, Article 7, Division 29 of the San Diego Municipal Code regarding the City's Election Campaign Control Ordinance, and replacing the repealed division with a new Division 29, based on changes to the City's Election Campaign Control Ordinance proposed by the City of San Diego Ethics Commission and modified by the Rules Committee. Such changes would take effect on January 1, 2005, if approved by the full City Council.

Subitem B: (O-2005-22)

Introduction of an Ordinance amending Chapter 2, Article 7, Division 29 of the San Diego Municipal Code with regard to three of the modifications to the Election Campaign Control Ordinance proposed in Subitem A, and which, if approved by Council would take effect on the thirtieth day after its passage.

- (1) Amend San Diego Municipal Code Section 27.2947 to allow personal trust account checks to be lawfully accepted in City of San Diego candidate elections.
- (2) Enact San Diego Municipal Code Section 27.2955 to require that candidates and committees sending mass mailings identify themselves as the entities paying for such mailings; and.
- (3) Enact San Diego Municipal Code Section 27.2956 to require that candidates and committees engaging in mass telephone communications identify themselves as the entities paying for such communications.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS (Continued)

COMMITTEE ON RULES, FINANCE, AND INTERGOVERNMENTAL RELATIONS,
ORDINANCES TO BE INTRODUCED: (Continued)

ITEM-150: (Continued)

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:**

On July 21, 2004, RULES voted 3-0, to make the changes that are described more fully in the report from the Ethics Commission dated July 28, 2004. (Councilmembers Peters, Maienschein, and the Mayor voted yea. Councilmembers Atkins and Madaffer not present.)

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-200: Consideration and Possible Action to Adopt a Resolution Directing the City Attorney to Prepare an Impartial Analysis and Directing the City Manager to Prepare a Fiscal Analysis, Relating to the Ballot Measure Authorizing the Ethics Commission to Retain Independent Counsel.

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2005-130)

Adoption of a resolution directing the City Attorney to prepare an impartial analysis of a proposition already approved by the City Council for placement on the November 2, 2004, ballot, relating to amending City Charter Sections 40 and 41(d) to authorize the Ethics Commission to retain legal counsel independent of the City Attorney.

Subitem-B: (R-2005-131)

Adoption of a resolution directing the City Manager to prepare a fiscal analysis of a proposition already approved by the City Council for placement on the November 2, 2004, ballot, relating to amending City Charter Sections 40 and 41(d) to authorize the Ethics Commission to retain legal counsel independent of the City Attorney.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the November 2, 2004 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	5/28/2004	158	LAST DATE (10:00 a.m.) for public, departments, and agencies to submit ballot proposals to City Clerk for review by Rules Committee.
Wednesday	6/16/2004	139	Rules Committee review of ballot proposals.
Monday	6/21/2004	134	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee.
Monday	6/28/2004	127	Council adopts propositions for ballot; directs City Attorney to prepare ordinances.
Monday	through 7/19/2004	to 106	
Monday	7/26/2004	99	Council adopts ordinances prepared by City Attorney.
Friday	8/06/2004	88	Last day for City Clerk to file with Registrar of Voters all elections material.
Thursday	8/19/2004	75	Last day to file ballot arguments with City Clerk.

If you have questions, please contact the Office of the City Clerk at (619) 533-4025.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-251: ARGUMENTS SUPPORTING OR OPPOSING PROPOSITIONS

For propositions approved by the Council for submittal to the qualified voters of the City of San Diego at the Municipal General Election to be held on Tuesday, November 2, 2004, the City Clerk has fixed 5:00 p.m. on Thursday, August 19, 2004, as a reasonable date prior to such election after which no arguments for or against City Propositions may be submitted to the Clerk.

Any argument for or against any City proposition shall not exceed 300 words in length and may be filed by the Council, or any member or members of the Council authorized by the Council, or the bona fide sponsors or proponents of the measure, or any bona fide association of citizens or individual voter, or any combination of voters and associations.

All arguments must be accompanied by a statement signed by each author that the argument is true and correct to the best of his/her knowledge and belief. (Forms for this statement are available in the Office of the City Clerk.)

An argument shall not be accepted unless accompanied by the name or names of the person or persons submitting it, or if submitted on behalf of an organization, the name of the organization and the name of at least one of its principal officers. No more than five signatures shall appear with any argument submitted. At least one of the individuals signing the argument must be a registered voter in the City of San Diego. In case any argument is signed by more than five persons, the signatures of the first five shall be printed.

Arguments may be changed or withdrawn by their proponents until and including the date fixed by the City Clerk.

Arguments shall be submitted to the City Clerk at the Office of the City Clerk, 2nd Floor, City Administration Building, 202 "C" Street, San Diego, California, 92101.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-252: Notice of Pending Final Map Approval – 4086 Alabama Street Condominiums.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “4086 Alabama Street Condominiums” (T.M. No. 8975), a copy of which is available for public viewing at the Office of the San Diego City Clerk. Said project is located in the southwesterly of Polk Avenue and Alabama Street in the Greater North Park Community Planning Area in Council District 3. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-253: **Notice** of Pending Final Map Approval – 4357 Oregon Street.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “4357 Oregon Street” (T.M. No. 23431), located northeasterly of El Cajon Blvd, and Oregon Street in the Greater North Park Community Planning Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-254: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivisions:

SUBDIVISION

COMMUNITY AREA

Citymark El Cortez

Centre City

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director of Development Services or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT